

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORLAN CHARLES HORNE,

Plaintiff,

v.

ANDRES N. BERTOTTO S.A.I.C., an
Argentine Corporation; HIDRO GRUBERT
U.S.A., INC., and DOES I-V, inclusive,

Defendants.

Case No. 2:14-cv-00389-APG-NJK

**Order Denying (1) Motion for Relief from
Judgment and (2) Renewed Motion for
Default Judgment**

(Dkt. ##35, 37)

Plaintiff Orlan Charles Horne obtained a \$5,169,829.15 Default Judgment against defendant Hidro Grubert U.S.A., Inc. ("HG") in Nevada state court. (Dkt. #25 at 34-35.) A few years later, Horne filed a second lawsuit in Nevada state court purporting to renew and collect upon that Default Judgment. (Dkt. #4 at 6-9.) In that second suit, Horne also sued defendant Andres N. Bertotto S.A.I.C. ("Bertotto"), alleging that Bertotto is the alter ego of HG. *Id.* Bertotto removed that second suit to this court. (Dkt. ##1, 4.) Default was entered against HG in this lawsuit. Horne then moved for entry of a Default Judgment against HG for the amount of the Default Judgment he had obtained against HG in the first state court lawsuit plus accruing interest. (Dkt. #25.) I denied Horne's motion for Default Judgment because, among other things, his motion failed to explain why he needs another Default Judgment against HG. (Dkt. #34.)

Horne subsequently filed a motion asking me to reconsider my decision, contending that his second lawsuit merely seeks to renew his Default Judgment against HG. (Dkt. #35.) Horne also filed a renewed motion for Default Judgment, asserting the same argument. (Dkt. #37.) Horne incorrectly relies upon NRS §11.190(1)(a) as a basis for renewal of his Default Judgment. That statute sets the six-year limitations period for renewal of a judgment. But the procedure to renew a judgment is set forth in NRS §17.214, which requires the filing of an "Affidavit of Renewal of Judgment" with the clerk of the court where the judgment was entered. As set forth

1 in my previous order, no new claims are asserted against HG in this lawsuit, so a Default
2 Judgment entered against it here would be a needless duplication of the state court's Default
3 Judgment.

4 Because Horne has failed to carry his burden of persuasion as to the need for entry of a
5 Default Judgment against HG, his motions (**Dkt. ##35, 37**) are **DENIED**.

6 Dated: September 14, 2015.

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ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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